

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**LAROD MONTRELL GROSS**

**PETITIONER**

**V.**

**NO. 2:09CV028-P-S**

**LAWRENCE KELLY, et al.**

**RESPONDENTS**

**ORDER**

On July 27, 2009, this habeas corpus petition was dismissed after the court held that it was barred by the statute of limitations. The Petitioner, thereafter, filed a motion for reconsideration.

As before, after reviewing the applicable law and the records in this matter, the court is unpersuaded that the previous ruling was incorrect in law or fact. The Petitioner has failed to produce a factual or legal basis to alter the court's prior decision. The petition is untimely and there are no exceptional circumstances which warrant the application of equitable tolling. Therefore, the motion for relief from judgement (docket entry 12) is DENIED.

**IT IS SO ORDERED.**

THIS the 17<sup>th</sup> day of November, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE